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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/773,238

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Masaji Noguchi

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79184

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03/02/2009

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EXAMINER

SINGH, DALZID E

ART UNIT

PAPER NUMBER

2613

MAIL DATE

DELIVERY MODE

03/02/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<i>Office Action Summary</i>	Application No.	Applicant(s)	
	10/773,238	NOGUCHI ET AL.	
	Examiner	Art Unit	
	Dalzd Singh	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2009.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5,8,10-14 and 16-19 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

DETAILED ACTION

*Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kai et al (JP 2000-241782) in view Okazaki et al (US Patent No. 6,411,411).

Regarding claims 1 and 20, Kai et al disclose a wavelength selection module, as shown in Fig. 12, comprising:

wavelength selecting means (90) for inputting a light, multiplexing lights of a plurality of different wavelengths (multiplexer (89) provide multiple signals which comprise of light from element (82) and multiplexed light from element (81)), and selecting and outputting lights of the plurality of wavelengths other than a reference light in accordance with a control signal applied from an external circuit (the reference light from element (82) is used for monitoring purpose therefore it is not being output to coupler (91) for the transmission line); and

demultiplexing means (91) for demultiplexing and outputting each wavelength of the output lights of said wavelength selecting means.

Kai et al disclose control means for controlling the control signal to continuously select a light selectively transmitted through the wavelength selecting means and differ from the claimed invention in that Kai et al do not specifically disclose first and second filter with the wavelength selecting means. Okazaki et al teach the use of first (1-1) and second (1-2) filter with the wavelength selective means (1) (see Fig. 1; the first and second filter is within or with the wavelength selective means). Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to provide first and second filter with the wavelength selective means as taught by Okazaki et al. One of ordinary skill in the art would have been motivated to do such in order to increase filtering efficiency.

Regarding claim 2, further comprising means for inputting output lights of said demultiplexing means and outputting lights of unwanted wavelengths through an attenuation process (as shown in Fig. 12, light from demux (91) is inputted to mux (92) and the unwanted wavelength is provided to elements 97, 99 and 100).

Regarding claim 3, wherein the wavelength selection means is an acousto-optical tunable filter (AOTF) (see Fig. 12).

Regarding claim 4, wherein the AOTF (90) includes means for selecting a light of the wavelength corresponding to the frequency of an RF signal (98) applied to an inter digit transducer through an RF signal input port (see Fig. 12).

*Allowable Subject Matter*

3. Claims 5, 8-14 and 16-19 are allowed.

*Response to Arguments*

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalzid Singh whose telephone number is (571) 272-3029. The examiner can normally be reached on Mon-Fri 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dalzid Singh/  
Primary Examiner  
Art Unit 2613